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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,537	11/13/2003	David Charles Boucher	ROC920030208US1	9180
46296 7590 05/23/2008 MARTIN & ASSOCIATES, LLC P.O. BOX 548 CARTHAGE, MO 64836-0548				
EXAMINER				
SEYE, ABDOUK				
ART UNIT		PAPER NUMBER		
2194				
MAIL DATE		DELIVERY MODE		
05/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,537

Applicant(s)

BOUTCHER ET AL.

Examiner

Abdou Karim Seye

Art Unit

2194

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3-13, 15-25, 29-32 and 35-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3-13, 15-25, 29-32 and 35-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3-13, 15-25, 29-32 and 35-40 are currently pending in this application. However claims 32 and 40 are missing step A. Applicant is required to correct these claims to include step (A) in response to this office action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 1,13, 18 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- A. The following claims language is unclear and indefinite:

As per claim 1, lines 5-10, it's not clearly understood as to where the pause/resume mechanism is " sending a pause message" and "a resume message" and from whom it receives "a pause complete message"; and to where it is "sending a resume message", since the applicant discloses in line 5-6 " a first operating system " and " one other operating system" .

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As per claim 13, lines 4-9, it's not clearly understood who is " sending a pause message", "a resume message" and "receives a pause complete message".

As to claim 18, it is rejected for the same reasons as claim 13 above.

As to claim 25, it is rejected for the same reasons as claim 1 above.

Appropriate clarifications are required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-13, 15-25, 29-32 and 35-40 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Boudnik et al (U.S 7266822) in view of Lescoutet et al (US 20040205755).

5. As to claims 1,6-8, 13, 18-20, 25, 32 and 35-36, Boudnik teaches the invention substantially as claimed including an apparatus, method and product comprising: at least one processor (FIG. 1); a memory coupled to the at least one processor (FIG. 5); a pause/resume mechanism residing in the memory and executed by the at least one processor (FIG. 5: 502; col. 13, lines 45-53; coupled with "a universal task exchange system" where the a universal task exchange system is the pause/resume mechanism), the pause/resume mechanism sending a pause message (FIG. 5; col. 14, lines 47-49; sending a pause message to a service provider, 504B second operating system), the pause/resume mechanism receiving a pause complete message (FIG. 5; col. 14, lines 50-53) from each other operating system to indicate each other operating system has completed pending accesses to the shared resource, and sending a resume message (FIG. 5; col. 14, lines 6-9) to the at least one other operating system.

6. However, Boudnik does not explicitly teach, that the pause, pause complete and the resume messages are sent when, before and after the first operating system is restarted .

7. Whereas, in the same field of endeavor Lescout discloses a system with multiple operating system including an operating system (OS) scheduler; OS interrupt handlers, OS switcher and booting and initializing an operating system in (FIG.4 ; paragraph

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77,87 and 92), where the interrupt handler ; OS scheduler and the OS boot and initialize modules, are known in the art for synchronizing and scheduling multiple operating systems running in the same system.

8. It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify Boundnik 's invention with Lescoutet's invention to include program modules for restarting the first operating system when, before and after a pause, pause complete and resume messages are sent .One would be motivated combine these two references in order to enable the sharing of resources between different operating system and to allow applications running on different operating systems to communicate.

9. As to claims 3,9, 15, 21, 29 and 37 Boudnik teaches, wherein the pause/resume mechanism disconnects the first operating system from the second operating system before the first operating system is restarted (col. 14, lines 54-57; realeasing/disconnecting the service provider).

10. As to claims 4, 10, 16, 22, 30, and 38 Boudnik teaches, wherein the pause/resume mechanism reconnects the first operating system to the at least one other operating system after the first operating system is restarted (col. 14, lines 34-36; reserve/reconnect the service provider).

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11. As to claims 5, 6, 17, 23, 31, and 39, Boudnik teaches, wherein the resume message indicates that the first operating system is ready to resume sharing the shared resource with the at least one other operating system (col. 14, lines 5-10).

12. As to claims 12, 24 and 40, they are rejected for the same reasons as claims above.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, An Meng at (571) 272-3756. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195